

University of California, Hastings College of the Law UC Hastings Scholarship Repository

Propositions

California Ballot Propositions and Initiatives

1986

Official State Language. Initiative Constitutional Amendment

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

Official State Language. Initiative Constitutional Amendment California Proposition 63 (1986).
http://repository.uchastings.edu/ca_ballot_props/968

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

Official Title and Summary Prepared by the Attorney General

OFFICIAL STATE LANGUAGE. INITIATIVE CONSTITUTIONAL AMENDMENT. Provides that English is the official language of State of California. Requires Legislature to enforce this provision by appropriate legislation. Requires Legislature and state officials to take all steps necessary to ensure that the role of English as the common language of the state is preserved and enhanced. Provides that the Legislature shall make no law which diminishes or ignores the role of English as the common language. Provides that any resident of or person doing business in state shall have standing to sue the state to enforce these provisions. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: This measure would have no direct effect on the costs or revenues of the state or local governments.

Analysis by the Legislative Analyst**Background**

The California Constitution does not confer any special status on the English language.

Proposal

This constitutional amendment declares that English is the official language of the State of California. It directs the Legislature to enact appropriate legislation to preserve the role of English as the state's common language. In addition, it prohibits the Legislature from passing laws which diminish or ignore the role of English as the state's common language.

Fiscal Effect

This measure would have no effect on the costs or revenues of the state and local governments.

Make the power connection . . . register and vote!

Norma Webb, Redding

Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure amends the Constitution by adding sections thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE III

Section 1. Section 6 is added to Article III of the Constitution to read as follows:

SEC. 6. (a) Purpose.

English is the common language of the people of the United States of America and the State of California. This section is intended to preserve, protect and strengthen the English language, and not to supersede any of the rights guaranteed to the people by this Constitution.

(b) English as the Official Language of California.

English is the official language of the State of California.

(c) Enforcement.

The Legislature shall enforce this section by appropriate legislation. The Legislature and officials of the State of California shall take all steps necessary to insure that the role of English as the common language of the State of California is preserved and enhanced. The Legislature shall make no law which diminishes or ignores the role of English as the common language of the State of California.

(d) Personal Right of Action and Jurisdiction of Courts.

Any person who is a resident of or doing business in the State of California shall have standing to sue the State of California to enforce this section, and the Courts of record of the State of California shall have jurisdiction to hear cases brought to enforce this section. The Legislature may provide reasonable and appropriate limitations on the time and manner of suits brought under this section.

Section 2. Severability

If any provision of this section, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this section to the extent it can be given effect shall not be affected thereby, and to this end the provisions of this section are severable.

It does make a difference. Show your interest . . . Vote.

Jerrie Bruce, San Diego

Argument in Favor of Proposition 63

The State of California stands at a crossroads. It can move toward fears and tensions of language rivalries and ethnic distrust. Or it can reverse that trend and strengthen our common bond, the English language.

Our immigrants learned English if they arrived not knowing the language. Millions of immigrants now living have learned English or are learning it in order to participate in our culture. With one *shared* language we learn to respect other people, other cultures, with sympathy and understanding.

Our American heritage is now threatened by language conflicts and ethnic separatism. Today, there is a serious erosion of English as our common bond. This amendment reaffirms California's oneness as a state, and as one of fifty states united by a common tongue.

This amendment establishes a broad principle: English is the official language of California. It is entitled to legal recognition and protection as such. No other language can have a similar status. This amendment recognizes in law what has long been a political and social reality.

Nothing in the amendment prohibits the use of languages other than English in unofficial situations, such as family communications, religious ceremonies or private business. Nothing in this amendment forbids teaching foreign languages. Nothing in this amendment removes or reduces any Californian's constitutional rights.

The amendment gives guidance to the Legislature, the Governor and the courts. Government must protect English:

- by passing no law that ignores or diminishes English;
- by issuing voting ballots and materials in English only (except where required by federal law);
- by ensuring that immigrants are taught English as quickly as possible (except as required by federal law);
- by functioning in English, except where public

health, safety and justice require the use of other languages;

- by weighing the effect of proposed legislation on the role of English; and
- by preserving and enhancing the role of English as our common language.

Californians have already expressed themselves decisively. More than a million Californians asked to place this measure on the ballot, the third largest number of petition signatures in California history. In 1984, 70+ percent of California voters, 6,300,000, approved Proposition 38, "Voting Materials in English *ONLY*."

This amendment sends a clear message: English is the official language of California. To function, to participate in our society, we must know English. English is the language of opportunity, of government, of unity. English, in a fundamental sense, is *US*.

Every year California's government makes decisions which ignore the role of English in our state; some may cause irreversible harm. Government's bilingual activities cost millions of taxpayers' dollars each year. This amendment will force government officials to stop and think before taking action.

The future of California hangs in the balance—a state divided or a state united—a true part of the Union. *YES* is for unity—for what is right and best for our state, for our country, and for all of us.

PLEASE VOTE YES ON PROPOSITION 63—FOR ENGLISH AS THE OFFICIAL LANGUAGE OF CALIFORNIA.

S. I. HAYAKAWA, Ph.D.

United States Senator, 1977–1982

J. WILLIAM OROZCO

Businessman

STANLEY DIAMOND

Chairman, California English Campaign

Rebuttal to Argument in Favor of Proposition 63

Proposition 63 doesn't simply make English our "official" language; it seeks to make it California's *only* language. It does *nothing positive* to increase English proficiency. It only punishes those who haven't had a fair opportunity to learn it.

Proposition 63 threatens to isolate those who haven't yet mastered English from essential government services such as 911 emergency operators, public service announcements, schools, and courts. By preventing them from becoming better, more involved citizens while making the transition into American society, Proposition 63 will *discourage* rather than encourage the assimilation of new citizens.

Worse yet, because Proposition 63 amends the *Constitution*, its harmful effects will be virtually *permanent* and *unchangeable*. All governmental bodies, from the State Legislature to local school boards, police and hospitals will be powerless to meet the changing and varying needs of the public.

Proposition 63 is inflexible. It does not contain the ex-

ceptions the proponents claim. It has *no* exception for use of foreign languages where public health, safety and justice require.

Inevitable disputes over the meaning of Proposition 63's sweeping language will mean our government will be dragged into countless, costly lawsuits at taxpayers' expense.

America's greatness and uniqueness lie in the fact that we are a nation of diverse people with a shared commitment to democracy, freedom and fairness. *That* is the common bond which holds our nation and state together. It runs much deeper than the English language.

Proposition 63 breeds intolerance and divisiveness. It betrays our democratic ideals.

Vote NO on Proposition 63!

THE HONORABLE DIANNE FEINSTEIN

Mayor, San Francisco

ART TORRES

State Senator, 24th District

STATE COUNCIL OF SERVICE EMPLOYEES

Argument Against Proposition 63

This summer we celebrated the 100th anniversary of the Statue of Liberty. That glorious 4th of July brought all Americans together. Now, four months later, Proposition 63 threatens to divide us and tarnish our proud heritage of tolerance and diversity.

This proposition, despite its title, does not preserve English as our common language. Instead, it undermines the efforts of new citizens of our state to contribute to and enter the mainstream of American life.

English is and will remain the language of California. Proposition 63 won't change that. What it *will* do is produce a nightmare of expensive litigation and needless resentment.

Proposition 63 could mean that state and local government must eliminate multilingual police, fire, and emergency services such as 911 telephone operators, thereby jeopardizing the lives and safety of potential victims.

It could mean that court interpreters for witnesses, crime victims, and defendants have to be eliminated.

It could outlaw essential multilingual public service information such as pamphlets informing non-English-speaking parents how to enroll their children in public schools.

Even foreign street signs and the teaching of languages in public schools could be in jeopardy.

We can hope that sensible court decisions will prevent these consequences. But Proposition 63 openly invites every legal attempt to seek such results. It is certain to set a Cornian against Californian with tragic consequences.

What makes this especially troubling is that the overwhelming majority of immigrants *want* to learn English. In fact, a recent study shows that 98% of Latin parents say it is essential for their children to read and write English well.

Asians, Latinos and other recent immigrants fill long

waiting lists for English courses at community colleges and adult schools. But this initiative does nothing *positive* to help. For instance, it provides for no increase in desperately needed night and weekend English classes.

The Los Angeles County Board of Supervisors, when faced with a negative local measure like this one, firmly and wisely rejected it by a unanimous, bipartisan vote. On April 21, 1986, they said in part:

"English as the official language resolutions will not help anyone learn English. They will not improve human relations, and they will not lead to a better community. They will create greater intergroup tension and ill will, encourage resentment and bigotry, pit neighbor against neighbor and group against group. They reflect our worst fears, not our best values.

"In many areas . . . non-English-speaking persons have sometimes represented a problem for schoolteachers, service providers, law enforcement officers, who are unable to understand them. The problem will be solved over time as newcomers learn English. It has happened many times before in our history. In the meanwhile . . . common sense . . . good will, sensitivity, and humor will help us through this challenging period."

Well said by public officials representing both sides of the political spectrum.

Proposition 63 is unnecessary. It is negative and counterproductive. It is, in the most fundamental sense, un-American. Vote NO on Proposition 63!

JOHN VAN DE KAMP
Attorney General

WILLIE L. BROWN, JR.
Speaker, California State Assembly

DARYL F. GATES
Police Chief, Los Angeles Police Department

Rebuttal to Argument Against Proposition 63

When this country was founded, immigrants from all over the world streamed to our shores with one hope—a chance at success. People with divergent backgrounds were forced into close contact, yet the assimilation of these cultures was remarkably constructive. This assimilation into one nation gave us a diversity, a strength and a uniqueness that today we treasure. Every schoolchild learns to marvel at the miracle of the American melting pot.

But the melting pot was not an accident. There was a common thread that tied society together. The common thread in early America and current California was the English language. Proposition 63 will strengthen the English language and invigorate our melting pot. It will not eliminate bilingual police and fire services. It will not prohibit the teaching of foreign languages in our schools. In-

stead, Proposition 63 will serve as a directional marker towards which we as society can point our new immigrants.

The official language proposition is not an attempt to isolate anyone. Indeed, it is the opposite. We want all immigrants to assimilate into our country. We believe to be a success in California and in the United States, you must be proficient in English. We want to cherish and preserve the ethnic diversity that adds strength and fiber to our society. Yet we remember the common thread binding us together as Americans is the English language. The melting pot has served this nation for 200 years. The ingredients may have varied, but this is no time to change the recipe. Vote yes on Proposition 63.

FRANK HILL
Member of the Assembly, 52nd District